

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

PETER MUNOZ, JR.,

2:13-CV-1269 JCM (VCF)

Plaintiff(s),

v.

STATE OF NEVADA, et al.,

Defendant(s).

**ORDER**

Presently before the court are the report and recommendation of Magistrate Judge Ferenbach. (Doc. # 4). No objections have been filed even though the deadline for filing objections has passed.

Upon considering a “notice of appeal” and several attached documents submitted by petitioner Peter J. Munoz, Jr., (doc. # 1), Magistrate Judge Ferenbach recommended that this action be dismissed with prejudice because this court lacks the authority to review final judgments of a state court. (Doc. # 4).

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.” 28 U.S.C. § 636(b)(1).

...

1           Where a party fails to object, however, the court is not required to conduct “any review at all  
2   . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).  
3   Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate  
4   judge’s report and recommendation where no objections have been filed. *See United States v.*  
5   *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the  
6   district court when reviewing a report and recommendation to which no objections were made); *see*  
7   *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s  
8   decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any  
9   issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s  
10   recommendation, then this court may accept the recommendation without review. *See, e.g.,*  
11   *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation  
12   to which no objection was filed).

13           Nevertheless, this court finds it appropriate to engage in a de novo review to determine  
14   whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation  
15   and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge’s findings  
16   in full.

17           Accordingly,

18           IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and  
19   recommendation of Magistrate Judge Ferenbach (doc. # 4) are ADOPTED in their entirety.

20           IT IS FURTHER ORDERED that this action is DISMISSED with prejudice. The clerk is  
21   instructed to enter judgment accordingly and close the case.

22           DATED August 1, 2014.

23  
24             
25           UNITED STATES DISTRICT JUDGE  
26  
27  
28